

## **REMARKS**

Applicant responds hereby to the office action dated March 26, 2008. Claims 3, 8 and 15 are amended hereby. Claims 1-2, 6-7, 12, and 21-22 were previously cancelled without prejudice or disclaimer of subject matter. Claim 20 is cancelled without prejudice or disclaimer of subject matter. Claim 23, identical to cancelled Claim 20, is being added without entering a new matter to avoid any claim numbering issues. Claims 3-5, 8-11, 13-19, and 23 remain pending hereinafter, where Claims 3, 8 and 15 are independent claims.

Favorable consideration and allowance of the claims of the present application are respectfully requested.

### **Claim Objects**

The Examiner objects Claims 3 and 8 because of informalities. In response, Claims 3 and 8 are amended to correct the informalities.

### **Rejections under 35 U.S.C. § 103(a)**

The Examiner rejects Claims 3-5, 8-11, and 13-20 under 35 U.S.C. § 103(a) as being allegedly unpatentable over Ogg, et al. (US 7,236,956) (hereinafter "Ogg") in view of Graunke, et al. (US 5,991,399) (hereinafter "Graunke").

In response, Claims 3, 8 and 15 are being amended to recite that the (data processing) system is installed on a kernel layer between a hardware layer and an operating system layer. The added limitation is supported in the paragraph [0052] and FIG.6 of the corresponding Pre-Granted Publication (US 2005/0022026 A1). Therefore, no new matter is entered. Ogg is directed to a user-level authentication and authorization at a user-level application. Graunke is directed to securely distributing data to a program on a remote system. However, the present invention is directed to detecting an attack on a data processing system. The added limitation further limits "the (data processing) system is installed on a kernel layer between a hardware layer and an operating system layer". This limitation is not taught or suggested by Ogg, Graunke, and a combination of Ogg and Graunke.

Claims 3, 8, and 15 are further being amended to recite “the (state changing) administrative actions comprising one or more of: an installation of kernel modules and an alternation of system run-level codes”. The added limitation is supported in the paragraph [0027] and a cancelled claim 20 (new claim 23). Therefore, no new matter is entered. The Examiner alleges in the Final Office Action that the subject matter of cancelled claim 20 is taught or suggested by Col. 4 lines 46-50, Col. 21 lines 4-26, and Col. 25 lines 20-55 of Ogg. However, “installation of kernel modules” and “alternation of system run-level codes” are not disclosed in Ogg, Graunke, and a combination of them.

Therefore, Claims 3, 8, and 15 are patentably distinct over Ogg, Graunke, and a combination of them.

The Examiner alleges in the Final Office Action that Col. 22 lines 65-66 of Ogg discloses the subject matter of Claim 5. Col. 22 lines 65-66 of Ogg states “The Security Officer should first issue a create MKS shares command to specify the number of shares to be created and to authorize the export of the shares”. However, Col. 15 lines 11-12 informs that the Security Officer is not Administrator by stating “the user is not an Administrator, and is a Security Officer”. Therefore, Claim 5 stating “receiving the initial secret from a system administrator” is not taught or suggested by Ogg. Graunke does not teach or suggest the subject matter of Claim 5 either. Therefore, Claim 5 is patentably distinct over Ogg, Graunke, and a combination of them.

Claims 4-5, 11 and 13 depend on Claim 3 and are patentable therewith. Claims 9-10 and 14 depend on Claim 8 and are patentable therewith. Claim 16-20 depend on Claim 15 and is patentable therewith. Accordingly, the Examiner is respectfully requested to withdraw the rejections of Claims 3-5, 8-11, and 13-20 under 35 U.S.C. §103(a) over Ogg, et al. (US 7,236,956) (hereinafter “Ogg”) in view of Graunke, et al. (US 5,991,399) (hereinafter “Graunke”).

Claim 23 is newly added without entering a new matter. The subject matter of Claim 23 is supported in a cancelled Claim 20.

### Conclusion

In view of the foregoing, this application is now believed to be in condition for allowance, and a Notice of Allowance is respectfully requested. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call the applicant's attorney at (516) 742-4343.

Respectfully submitted,



Steven Fischman  
Registration No. 34,594

Scully, Scott, Murphy & Presser, P.C.  
400 Garden City Plaza, Suite 300  
Garden City, New York 11530  
(516) 742-4343

SF:JP:av